

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.**

Application of
Plane Travel, LLC

Pursuant to 49 U.S.C. § 40109 for an
Emergency Exemption from Order 2020-8-4
(Suspension of U.S. – Cuba Charter Authorizations))

U.S. – Cuba Humanitarian Aid Charters

Docket No. OST-2020-0129

APPLICATION OF PLANE TRAVEL, LLC.
FOR AN EMERGENCY EXEMPTION AND MOTION TO SHORTEN ANSWER
PERIOD

Communications with respect to the above
should be addressed to:

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Director of Operations for
Plane Travel, LLC.

DATED: May 23, 2022

NOTICE: THE APPLICANT REQUESTS EXPEDITED TREATMENT OF THIS APPLICATION AND THAT THE ANSWER PERIOD BE SHORTENED, WITH ANSWERS FILED ON OR BEFORE MAY 27, 2022. THE APPLICANT WILL POLL THE CARRIER REPRESENTATIVES ON THE ATTACHED SERVICE LIST AND NOTIFY THE DEPARTMENT OF THE RESULTS. THIS APPLICATION IS ALSO FILED PURSUANT TO THE EMERGENCY EXEMPTION PROCEDURES OF 14 C.F.R. § 302.311, WHICH AUTHORIZES THE DEPARTMENT TO ACT ON EMERGENCY EXEMPTIONS IMMEDIATELY. ANY PERSON INTERESTED IN FILING AN ANSWER IS REQUESTED TO DO SO IN THE ABOVE DOCKET IMMEDIATELY.

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**APPLICATION OF PLANE TRAVEL, LLC. FOR AN EMERGENCY EXEMPTION
AND MOTION TO SHORTEN ANSWER PERIOD**

Plane Travel, LLC. (“Plane Travel”), in accordance with 49 U.S.C. § 40109, and the Department of Transportation’s (“DOT or the “Department”) Rules of Procedure, 14 CFR § 302.311, respectfully requests an emergency exemption from the prohibitions in Order 2020-8-4 (Suspension of U.S.-Cuba Charter Authorizations), and such other relief as may be necessary, to permit it to operate on-demand, unscheduled charter operations to transport humanitarian aid and educational passengers between Pompano Beach, Florida (PMP) and Havana, Cuba (HAV) and Cayo Largo del Sur (CYO), using small aircraft, from June 1st, 2022 to December 31st, 2022. Plane Travel also requests emergency exemption authority to operate up to two weekly charter operation to transport humanitarian aid, using small aircraft, from PMP to any of the following additional points in Cuba that include Cayo Largo del Sur (CYO), Santiago de Cuba (SCU), Matanzas (VRA), Holguin (HOG), Santa Clara (SNU), Varadero (VRA) and Camagüey (CMW), between June 1, 2022 and December 31, 2022.

While Order 2020-8-4 generally preclude[s] the operation of charter flights between the United States and Cuba, similar to Plane Travel's proposed operations, the proposed operation satisfies two of the Order's exceptions permitting charter operations for "emergency medical purposes..., and other travel deemed to be in the interest of the United States."¹

The Department of Transportation has previously granted emergency exemptions to its rules and Orders for humanitarian reasons, as providing humanitarian aid during times of crisis has been deemed to be in the public's interest. In addition, the DOT has previously granted authority to operate charter operations carrying humanitarian aid to Cuba – finding that such operations fell within the Order's specified exceptions.² Plane Travel understands that additional and expanded service to Havana and other points across the island nation are necessary to improve the existing crisis in Cuba. Similar requests from other carriers have recently received favorable treatment from the Department of State and the Department of Transportation.³

Cuban Citizens Expressing Their Need for Food and Medical Supplies Due to the Severe Shortages Caused Unrest in Cuba in July of 2021 - Further Validating The Need for Plane Travel, LLC's Humanitarian Operations.

The protests throughout Cuba, which took place in July of 2021, highlight the need for Plane Travel, LLC's proposed humanitarian operations. Thousands of Cubans took to the street

¹ See August 13, 2020 letter from Secretary of State Michael R. Pompeo to Secretary of Transportation Elaine L. Chao.

² See, e.g., NOAT, Docket OST-2020-0129 (May 13, 2021) (Approving an application by Skyway Enterprises, Inc. to conduct eight all-cargo humanitarian operations to Havana because the proposed flights were in the interests of the United States and served emergency medical purpose); see also NOAT, Docket OST-2020-0129 (March 30, 2021) (Approving an application of Skyway Enterprises, Inc. to carry diplomatic cargo on behalf of the State Department because the proposed operation was in the interests of the United States); NOAT, Docket DOT-OST-2020-0129 (Jul. 14, 2021) (finding Skyway Enterprise Inc.'s operation to carry humanitarian aid and diplomatic cargo meets the exceptions in Order 2020-8-4); NOAT, Docket DOT-OST-2020-0129 (Jul. 14, 2021) (authorizing IBC Airways to conduct twice-weekly all-cargo service between Miami and Havana to transport humanitarian aid, medical supplies, and diplomatic mail); NOAT, Docket DOT-OST-2020-0129 (July 23, 2021) (authorizing Skyway to operate all-cargo charter operations to transport humanitarian aid and diplomatic cargo between Miami, Florida, and several points in Cuba); and NOAT, Docket DOT-OST-2020-0129 (July 27, 2021) (authorizing the continuation of IBC Airways' all-cargo charter operations to transport humanitarian aid, medical supplies, and diplomatic cargo between Miami, Florida, and multiple points in Cuba)

³ Ibid

to protest the regular shortages of food, medical supplies, and the availability of COVID-19 vaccines.⁴ The Cuban population continues to wait in long lines to purchase limited essential supplies from Cuban stores, such as food and hygiene supplies. Medication has remained extremely difficult to obtain, and most individuals rely on foreign family members to send medicine and medical supplies that are not available in Cuban stores.⁵ In recent months, those protesters have been sentenced to as much as 20 years in prison for their participation in the protests, where many expressed their frustration with “....shortages, low salaries and power outages, as well as with the socialist government.”⁶

Plane Travel is also requesting authority to operate directly to Cayo Largo del Sur, Santiago de Cuba, Matanzas, Holguin, Santa Clara, Varadero, and Camagüey, rather than just Havana. The economic and humanitarian circumstances described above are not limited to Havana, and populations throughout Cuba are suffering the same shortages of essential supplies. It has been incredibly difficult to carry humanitarian aid by ground transportation outside of Havana, so Plane Travel is requesting authority to carry aid to these additional cities to reduce the need to transport aid on the ground, which can slow and/or prevent the aid from getting to the people who need it. Specifically, Cayo Largo del Sur is a cay separate from the Cuban mainland and therefore does not have as much access to direct humanitarian aid. Plane Travel’s fleet of small aircraft will be able to land and depart from the local airport’s 3,000 m runway, which will allow for direct delivery of humanitarian aid to the cay.

⁴ Elinor Aspegren, 'We are fed up': Thousands of demonstrators throughout Cuba protest shortages, rising prices, USA Today (Jul. 11, 2021), <https://www.usatoday.com/story/news/world/2021/07/11/cuba-protests-coronavirusfood-shortages-high-prices/7933067002/> (last visited May 19, 2022).

⁵ Ibid.

⁶ Cuba protesters sentenced to up to 20 years as hundreds more await verdicts, The Guardian, (Feb 15, 2022) <https://www.theguardian.com/world/2022/feb/15/cuba-protesters-sentenced-20-years-anti-government-july>, (last visited May 17, 2022).

Last week, “the Biden administration announced a partial lifting of sanctions in Cuba, including expanding flights beyond Havana...”⁷ Plane Travel’s request to commence charter flight operations to Cuba is consistent with the Administration’s desire to ease sanctions on Cuba. Specifically, the State Department website states that they will “authorize scheduled and charter flights to locations beyond Havana”⁸ as part of the effort to strengthen family ties and facilitate educational connections for the U.S. and Cuban people. As part of the Biden Administration’s desire to “...implement regulatory changes to reinstate group people-to-people and other categories of group educational travel, as well as certain travel related to professional meetings and professional research,”⁹ Plane Travel would like to carry a limited number of passengers (not to exceed seven passengers per flight) to locations in Cuba which are underserved by the current Exemptions to Order 2020-8-4.

Indeed, the dire emergency circumstances that led the State Department and Department of Transportation to grant the applications of others who wished to send humanitarian aid has only grown in Cuba, creating a clear emergency, which easily satisfies the exceptions to Order 2020-8-4 permitting charter operations for “emergency medical purposes” and those within “the interests of the United States.” Plane Travel’s service to Cuba will convey supplies to the Cuban population enabling them to combat Covid-19, support U.S. citizens currently residing in Cuba, and allow Cuban-American families to send goods and aid to their family members still living on the island.

⁷ Biden Administration Lifting Some Trump-Era Restrictions on Cuba, The New York Times, (May 16, 2022) <https://www.nytimes.com/2022/05/16/us/politics/biden-cuba-policy.html> (last visited May 17, 2022)

⁸ Biden Administration Measures to Support the Cuban People, U.S. Department of State, (May 16, 2022), <https://www.state.gov/biden-administration-measures-to-support-the-cuban-people/>, (last visited on May 19, 2022).

⁹ Ibid

Plane Travel, and the charterer for the operation, Maravana Cargo, Inc, would like to carry essential supplies to Havana and Cayo Largo del Sur. Granting Plane Travel's application for an emergency exemption to transport gifts and parcels of humanitarian aid is an operation which falls squarely with Order 2020-8-4 exemption permitting operations "...in the interest of the United States."¹⁰ The situation in Cuba is serious, all of the above factors underscore the need for essential and medical supplies to be transported to Cuba, and thus, Plane Travel believes that approval of this application is warranted under the circumstances and is clearly within the public interest. In further support of its request for an exemption, Plane Travel states as follows:

1. Plane Travel, a U.S. company incorporated in Florida, and headquartered and registered to do business in Florida. It is 100% owned and controlled by a U.S. citizen. The airline's address is:

1525 NW 56th Street
Fort Lauderdale, Florida 33309

2. Plane Travel holds a Part 135 Operator Certificate, issued on January 8, 2008, and Part 298 Air Taxi authority, last approved on April 19, 2022. In January 2008, Plane Travel became a certified FAA air carrier with Certificate number R56A368K and began providing on-demand passenger and cargo charter service. Plane Travel currently provides on-demand, passenger and cargo service throughout the U.S., the Caribbean, Canada, and Central America and has conducted passenger charter flights to Cuba since 2008. Plane Travel's fleet consists of the following aircraft:

One Piper Chieftain PA31-350,
One Piper Navajo PA31-310,
One Beechcraft Baron B58,
One Beechcraft Baron 95-B55,
One Cessna C340, and

¹⁰ See NOAT Docket OST-2020-0129 (Jul. 14, 2021).

Two Cessna Citation 501SP's.

3. In May of 2022, Plane Travel was approached by Maravana Cargo, Inc, U.S. company, to transport humanitarian aid packages between Pompano Beach, Florida and Cayo Largo del Sur, which will send aid from U.S. citizens to their family and friends in Cuba who are in desperate need of support. Humanitarian aid carried by Plane Travel may be in the form of gifts and parcels containing food, medicine, clothing, hygiene products, and educational and medical supplies. These supplies will address and alleviate the urgent needs of the Cuban population.

4. Each Plane Travel flight will carry up to 1,600 lbs. of aid to Cuba per flight. The flights carrying humanitarian aid will not only address the urgent needs of the Cuban people receiving the packages, but it will also mean less remittances being spent on Cuban government stores which sell food and other products at exorbitant prices.

5. Grant of this application is in the public interest and necessary to avoid an unusual hardship. The Department's Orders suspending charter service to Cuba (Order 2020-5-7 and Order 2020-8-4), have essentially shut down all traffic in the U.S.-Cuba market, as the market was heavily dependent upon charter service. Even when Cuba lifts its restrictions on passenger flights, people will still be reluctant to travel during the pandemic, and Cuba's economy will continue to falter. Permitting these charter operations will significantly reduce the suffering of thousands of people.

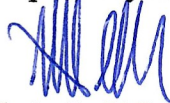
6. In light of the exigent circumstances in Cuba, Plane Travel requests expeditious processing and the immediate grant of this emergency exemption application. DOT's Procedural Regulations provide that the Department can act on an emergency exemption application immediately pursuant to 14 C.F.R. § 302.311. 7. Grant of this application is also consistent with Department of Transportation precedent. Domestic air carriers have been granted emergency

Application of Plane Travel, LLC for an Emergency Exemption

exemption authority to carry passengers and cargo when an emergency existed as a result of unusual circumstances not arising in the normal course of business (See, e.g., NOAT Docket OST 2004-16935) (granting Kalitta Air an emergency exemption from the provisions of Department Order 86-2-23); Notice of Action Taken, DOT-OST-2014-0144 (August 28, 2014 and subsequent approvals) (granting a series of exemptions to Polynesian Limited d/b/a Samoa Airways to serve a route previously served by a US carrier; the absence of which caused severe hardships for residents). Plane Travel also moves to shorten the answer period so that answers are due on or before May 27, 2022. Plane Travel will poll all parties served with a copy of this Application, and will notify the Department of the results.

WHEREFORE, Plane Travel respectfully requests that the Department grant an emergency exemption permitting it to operate humanitarian aid flights between the U.S. and Havana/Cayo Largo del Sur from Application of Plane Travel, LLC. For an Emergency Exemption for the period from June 1, 2022 to December 31, 2022, and a twice weekly humanitarian operation to additional Cuban cities between June 1, 2022 and December 31, 2022, as described herein, and grant such further relief as the Department deems to be consistent with the public interest.

Respectfully submitted,



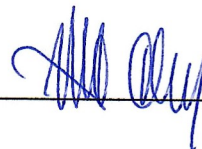
Clyde S. O'Connor
Director of Operations, Plane Travel, LLC.

Dated: May 23, 2022

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by electronic mail this 23rd day of May, 2022 on the following:

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